

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID JOSEPH MUNCHINSKI,)	Civil Action No. 03 - 788
)	
Plaintiff,)	Judge Alan N. Bloch
)	Magistrate Judge Lenihan
vs.)	
)	
WEXFORD HEALTH SERVICES, INC.;)	
EUGENE GINCHEREAU, M.D., Medical)	
Director; PAUL NOEL, M.D., Wexford)	
Regional Medical Director for Western)	
Pennsylvania; JOAN DELIE, Correctional)	
Health Care Administrator; NEAL K.)	
MECHLING, Facility Manager, SCI-)	
Pittsburgh; and PRISON HEALTH)	
SERVICES INC.,)	
)	
Defendants.)	

ORDER

The above captioned case was filed on April 29, 2003, and was referred to United States Magistrate Judge Ila Jeanne Sensenich for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The case was transferred to Magistrate Judge Lisa Pupo Lenihan on April 6, 2004.

The magistrate judge's Report and Recommendation (Doc. No. 96), filed on December 8, 2005, recommended that the Motion for Summary Judgment filed by Defendant Joan Delie (Doc. No. 65) be denied and that Plaintiff's "Counter" Motion for Summary Judgment (Doc. No. 74) be denied. The Plaintiff was served at SCI Fayette, 50 Overlook

Drive, LaBelle, PA 15450-1050 and on counsel for the Defendants. The parties were advised they were allowed ten (10) days from the date of service to file written objections to the report and recommendation. No objections have been filed. After review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

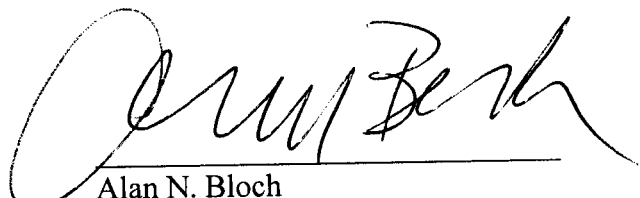
AND NOW, this 4th day of January, 2006;

IT IS HEREBY ORDERED that Motion for Summary Judgment filed by Defendant Joan Delie (Doc. No. 65) be **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's "Counter" Motion for Summary Judgment (Doc. No. 74) is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 96) of Magistrate Judge Lenihan, dated December 8, 2005, is adopted as the opinion of the court.

Dated:


Alan N. Bloch
United States District Judge

cc: David J. Munchinski
AJ 0877
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